

R E M A R K S

I. Introduction

Claims 1-92 are pending in the application. All pending claims stand rejected. In particular, (1) claims 1-37 and 72-83 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter, and (2) claims 1-92 stand rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,797,126 (hereinafter "Helbling"), in view of "Tips for the Road" (hereinafter "Tips").

Upon entry of this amendment, which is respectfully requested, independent claims 1, 2, 27, 37, 72, and 83, as well as dependent claims 84-88, will be amended to more distinctly claim current embodiments. No new matter is believed added by this amendment. Support for all amendments exists in the specification and claims as originally filed, and all such matter has previously been searched by the Examiner.

Applicants respectfully request reconsideration and further examination of the pending claims in view of the arguments presented herein and in accordance with 37 CFR §1.112.

A. Summary of Claimed Embodiments

According to some embodiments, "an airline reservation system...supports guaranteed reservations for a preferred category of seating." (Pg. 4, lines 21-22). Such a system may, according to some embodiments, "reassign passengers to different seats within their guaranteed category of seating in order to satisfy a subsequent passenger's request." (Pg. 5, line 22 to Pg. 6, line 2). In typical airline reservation systems, "[o]nly when a passenger's reservation is cancelled and the seat selection becomes available can a confirmed passenger or a new passenger be assigned to the vacant seat". (Pg. 4, lines 13-15).

Some embodiments may therefore, for example, allow more passenger seating category requests to be fulfilled (than is possible in typical systems) by allowing passengers to be flexibly reassigned to increase passenger request fulfillment.

B. Summary of the Cited References**1. Helbling**

Helbling generally describes "a method of and an apparatus for the sale or dispensing of tickets to particular events with reserved or assigned seating in connection with the display of segments of these productions or events, background information about the productions or events, display of actual stage or field views from seat locations prospectively selected for purchase." (Col. 1, lines 21-31).

That is, Helbling is seen as describing a reservation system that allows consumers to take a virtual tour of a venue prior to reserving a seat in the venue. Actual views from seats may, for example, be provided to consumers prior to the purchase of a ticket for the seat.

2. Tips

Tips describes the practice of bumping an airline passenger's seat if the passenger has not checked in within a certain amount of time prior to departure. More particularly, Tips relates that United Airlines® instituted a policy of releasing a reserved seat and potentially reassigning the seat if the passenger has not checked in within twenty to forty-five minutes of departure (depending on the destination).

II. The Examiner's Rejections**A. Rejection Under 35 U.S.C. §101**

Claims 1-37 and 72-83 stand rejected under §101 as being allegedly directed to non-statutory subject matter. Applicants have amended independent claims 1, 2, 27, 37, 72, and 83, as suggested by the Examiner. In particular, each of the claimed methods is now described as being performed by a computer. Applicants therefore respectfully request that the §101 rejection of claims 1-37 and 72-83 be withdrawn.

These amendments have been provided to advance prosecution of this case and in no way reflect the Applicants' views or opinions with respect to the merit of the Examiner's rejection.

B. Rejection Under 35 U.S.C. §103(a)

All pending claims stand rejected under §103(a) as being unpatentable over Helbling in view of Tips. Applicants respectfully traverse this ground for rejection as follows.

Applicants respectfully assert that neither Helbling nor Tips, either alone or in combination, teaches or suggests embodiments as recited in claims 1-92. In particular, Helbling and Tips fail to teach or suggest *guaranteeing the preferred category of seating*. (a limitation generally included in each of claims 1-92).

The Examiner cites FIG. 4 of Helbling as teaching "**blocking seats**", which the Examiner equates to "[g]uaranteeing the seating". (Paper No. 7, pg. 3, last line). Applicants respectfully note that "blocking" seats is entirely different from "guaranteeing" seats. Helbling describes "blocking" seats, for example, while a consumer's credit card authorization for purchasing the seats is pending. (FIG. 4). In other words, other consumers are prevented from purchasing the seats while the original consumer's transaction is verified and completed. Simply stated, "blocking" means "preventing".

"Guaranteeing", on the other hand, generally means "a pledge that something will be performed in a specified manner". ("The American Heritage College Dictionary", Third Edition, Houghton Mifflin Company, New York, 2000). Accordingly, some currently claimed embodiments describe pledging that a seat in a preferred seating category *will be* assigned to the individual. Particularly in embodiments where the guarantee results in a "flexible" seat assignment, there is no "blocking". In fact, the seat assignment may be "flexible" to *prevent* "**blocking**" of the seat.

Accordingly, Applicants respectfully assert that Helbling fails to anticipate (or render obvious) embodiments as recited in claims 1-92, at least because Helbling fails to teach or suggest *guaranteeing the preferred category of seating*.

Tips simply does not relate to guaranteeing seating, much less a category of seating. Tips merely informs that United Airlines® began a policy of bumping passengers from flights if they fail to check-in within certain timeframes.

Accordingly, Applicants respectfully assert that Tips fails to anticipate (or render obvious) embodiments as recited in claims 1-92, at least because Tips fails to teach or suggest *guaranteeing the preferred category of seating*.

Applicants therefore respectfully request that the §103(a) rejections of claims 1-92 be withdrawn.

Further, the pending claims recite many other features not taught by the cited references. For example, both Helbling and Tips fail to teach or suggest (1) a preferred category of seating (claims 1-92), (2) utilizing "flexible" seat assignments (claims 1-92), or (3) reassigning a passenger based on another passenger's request (claims 1, 7, 34, 38, 65, 69, and 72-82).

Neither of the references describes preferred categories of seating. Helbling only describes determining if seating is available, and Tips only describes the practice of bumping a passenger from a seat. No mention of preferred categories can be found in either reference. Further, the Examiner's Official Notice (which was not relied upon by the Examiner in rejecting the pending claims) fails to make up for the deficiencies of the references. Applicants respectfully assert that airline reservations are made for specific seats. Even if a passenger requests an "aisle" seat, a specific seat is assigned to the passenger (*e.g.*, an aisle seat). No practice known to Applicants allows a passenger to reserve a "category" of seating as described by currently claimed embodiments. If the Examiner chooses to use Official Notice in rejecting the pending claims, Applicants request that an affidavit and/or other evidence be appropriately placed on the record to substantiate the allegations of the Examiner.

"Flexible" seat assignments are also not taught or suggested by either of the references (or the Examiner's Official Notice). Nowhere in either reference is the concept of a "flexible" assignment taught or suggested. Helbling only describes seat assignments generally, and Tips merely states that a seat assignment may be cancelled if a passenger does not check-in in the appropriate timeframe. Note that the seat assignment in Tips is cancelled and the passenger is potentially given a new assignment. The original assignment is not changed. Further, the Examiner's Official Notice fails to make up for the deficiencies of the cited references. The practice of moving an underage child from an exit row, for example, is typically accomplished by either of the following methods: (1) a child is not allow to be reserved for the seat in the first place, or (2) if a child is found in an exit row prior to takeoff, the child is moved. Neither method involves "flexible" *seat assignments* or changing *seat assignments*. Particularly in the later case, the assignment is not changed, the passenger is merely moved by the flight attendant.

Further, even if the references and/or the Official Notice taught reassigning seats (which Applicants assert they do not), none of the references teach or suggest reassigning a passenger

based on another passenger's request. Neither Helbling, Tips, nor Official Notice describe, for example, reassigning a first passenger to accommodate a preference of a second passenger.

At least for these reasons, Applicants respectfully request that all pending claims be allowed.

Also, even if Helbling and Tips taught or suggested the limitations of the claimed embodiments (which Applicants assert that they do not), the §103(a) rejection of the pending claims would still be inappropriate because a *prima facie* case for obviousness has not been established. The Examiner's statement that it would have been obvious to modify the prior art to "incorporate into the disclosure of Helbling the teachings of Tips" because it would "allow the airlines to shuffle the seating to maximize and provide appropriate seating to as many passengers as possible" is not sufficient to meet the Examiner's burden of providing a *prima facie* case of obviousness.


Applicants therefore respectfully request that the §103(a) rejections of claims 1-92 be withdrawn.

III. Conclusion

Accordingly, Applicants respectfully assert that each of the pending claims is patentable over the cited references. Applicants therefore respectfully request that all pending claims be allowed. Applicants' silence with respect to other comments made in the Office Action does not imply agreement with those comments. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at 203-972-4982.

Respectfully submitted,

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Date



Carson C.K. Fincham
Reg. No. 54,096
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-4982